

1 Richard M. Heimann (063607)  
rheimann@lchb.com  
2 Katherine C. Lubin (259826)  
kbenson@lchb.com  
3 Michael K. Sheen (288284)  
msheen@lchb.com  
4 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP  
275 Battery Street, 29th Floor  
5 San Francisco, CA 94111-3339  
Telephone: (415) 956-1000  
6 Facsimile: (415) 956-1008  
7 *Attorneys for Co-Lead Plaintiff Fire & Police Pension  
Association of Colorado and Co-Lead Counsel*

8 Maya Saxena (Pro hac vice)  
msaxena@saxenawhite.com  
9 Joseph E. White, III (Pro hac vice)  
jwhite@saxenawhite.com  
10 Lester R. Hooker (241590)  
lhooker@saxenawhite.com  
11 Adam D. Warden (Pro hac vice)  
awarden@saxenawhite.com  
12 Dianne M. Pitre (286199)  
dpitre@saxenawhite.com  
13 SAXENA WHITE P.A.  
7777 Glades Road, Suite 300  
14 Boca Raton, FL 33434  
Telephone: (561) 394-3399  
15 Facsimile: (561) 394-3382

16 *Attorneys for Co-Lead Plaintiff The City of Birmingham  
17 Retirement and Relief System and Co-Lead Counsel*

18 [Additional Counsel on Signature Page]

19  
20 UNITED STATES DISTRICT COURT  
21 NORTHERN DISTRICT OF CALIFORNIA

22  
23 IN RE WELLS FARGO & COMPANY  
24 SHAREHOLDER DERIVATIVE  
LITIGATION

25 This Document Relates to:  
26 ALL ACTIONS.  
27

Lead Case No. 4:16-cv-05541-JST

**REQUEST FOR LEAVE TO SUBMIT  
NOTICE OF SUPPLEMENTAL  
AUTHORITY**

Pursuant to Civil Local Rule 7-3(d), Co-Lead Plaintiffs Fire and Police Pension Association of Colorado and the City of Birmingham Retirement and Relief System (“Co-Lead Plaintiffs”) respectfully request leave of Court to file and serve this Notice of Supplemental Authority in Support of (1) Co-Lead Plaintiffs’ Motion for Final Approval of Settlement, and (2) Co-Lead Counsel’s Motion for Award of Attorneys’ Fees and Reimbursement Awards to Co-Lead Plaintiffs.

On January 13, 2020, the United States District Court for the Northern District of Georgia issued an order in *In re: Equifax Inc. Customer Data Security Breach Litigation*, No. 1:17-md-02800-TWT (N.D. Ga.), which granted final approval of a “megafund” class action settlement and awarded attorneys’ fees from the common fund. A copy of the district court’s order is attached hereto as Exhibit A.

In *Equifax*, the court awarded class counsel its requested fee of \$77.5 million—equal to 25% of “the \$310 million fund created under the parties’ [settlement] term sheet.”<sup>1</sup> Ex. A at 96. The fee represented a lodestar multiplier of 3.4 as of the final approval hearing (class counsel’s lodestar up to that hearing amounted to \$22,816,935), and the court held the award was further supported on the grounds that class counsel estimated it would expend approximately \$6.7 million in future lodestar, resulting in a 2.62 multiplier. *Id.* at 103-04. In approving the settlement and request for attorney’s fees, the court denied objections by Theodore Frank that he has also asserted in this Action, and further discussed his status and conduct as a professional objector. *Id.* at 94-96 (rejecting argument that counsel faced no risk); *id.* (rejecting argument that reduced fee percentage should apply because of “megafund” settlement); *id.* at 100-02, 113-14 (rejecting challenge to value of injunctive relief); and *id.* at 109-10, 113-15 (finding that Frank is a serial objector who “is in the business of objecting to class action settlements,” and holding that Frank’s objection was “not motivated to serve the interests of the class”).

---

<sup>1</sup> Equifax paid an additional \$70.5 million into the common fund as part of its integrated settlement with state and federal regulators. Ex. A at 15, 96. The approved fee represented 20.36% of the \$380.5 million total cash included in the settlement fund. *Id.* at 96.

1 Dated: January 15, 2020

LIEFF CABRASER HEIMANN & BERNSTEIN

2 By: /s/ Richard M. Heimann

Richard M. Heimann (063607)

3 *rheimann@lchb.com*

Katherine C. Lubin (259826)

4 *kbenson@lchb.com*

Michael K. Sheen (288284)

5 *msheen@lchb.com*

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

275 Battery Street, 29th Floor

6 San Francisco, CA 94111-3339

7 Telephone: (415) 956-1000

8 Facsimile: (415) 956-1008

Steven E. Fineman (140335)

9 *sfineman@lchb.com*

Daniel P. Chiplock (*Pro hac vice*)

10 *dchiplock@lchb.com*

Nicholas Diamand (*Pro hac vice*)

11 *ndiamand@lchb.com*

Michael J. Miarmi (*Pro hac vice*)

12 *mmiarmi@lchb.com*

Sean A. Petterson (*Pro hac vice*)

13 *spetterson@lchb.com*

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

250 Hudson Street, 8th Floor

14 New York, NY 10013-1413

15 Telephone: (212) 355-9500

16 Facsimile: (212) 355-9592

17 *Attorneys for Co-Lead Plaintiff Fire & Police Pension  
Association of Colorado and Co-Lead Counsel*

18 Maya Saxena (*Pro hac vice*)

*msaxena@saxenawhite.com*

19 Joseph E. White, III (*Pro hac vice*)

*jwhite@saxenawhite.com*

20 Lester R. Hooker (241590)

*lhooker@saxenawhite.com*

21 Adam D. Warden (*Pro hac vice*)

*awarden@saxenawhite.com*

22 Dianne M. Pitre (286199)

*dpitre@saxenawhite.com*

23 SAXENA WHITE P.A.

7777 Glades Road, Suite 300

24 Boca Raton, FL 33434

25 Telephone: (561) 394-3399

26 Facsimile: (561) 394-3382

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Steven B. Singer (*Pro hac vice*)  
ssinger@saxenawhite.com  
Kyla Grant (*Pro hac vice*)  
kgrant@saxenawhite.com  
Sara DiLeo (*Pro hac vice*)  
sdileo@saxenawhite.com  
SAXENA WHITE P.A.  
10 Bank Street, 8th Floor  
White Plains, NY 10606  
Telephone: (914) 437-8551  
Facsimile: (888) 631-3611

*Attorneys for Co-Lead Plaintiff The City of Birmingham and  
Co-Lead Counsel*